

HOUSE BILL No. 1843

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-11-4-5; IC 31-11-5.

Synopsis: Mandatory premarital blood testing. Requires an individual who intends to marry to have blood tests for certain sexually transmitted dangerous communicable diseases, including human immunodeficiency virus (HIV) infection. Provides that the test results are confidential. (Current law provides for optional HIV testing before obtaining a marriage license.) (The introduced version of this bill was prepared by the interim study committee on family law issues.)

Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Judiciary.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1843

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-11-4-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The clerk of the
3 circuit court shall distribute to marriage license applicants written
4 information or videotaped information approved by the AIDS advisory
5 council of the state department of health concerning dangerous
6 communicable diseases that are sexually transmitted.
7 (b) Written information and videotaped information distributed by
8 each clerk of the circuit court under subsection (a) must provide
9 current information on human immunodeficiency virus (HIV) infection
10 and other dangerous communicable diseases that are sexually
11 transmitted. The information must include an explanation of the
12 following:
13 (1) The etiology of dangerous communicable diseases that are
14 sexually transmitted.
15 (2) The behaviors that create a high risk of transmission of such
16 diseases.
17 (3) Precautionary measures that reduce the risk of contracting



such diseases.

(4) The necessity for consulting medical specialists if infection is suspected.

(c) At the time of application for a marriage license, each clerk of the circuit court shall:

(1) provide the marriage license applicants with written information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted; or

(2) show the marriage license applicants videotaped information furnished under subsection (a) concerning dangerous communicable diseases that are sexually transmitted.

(d) In addition to the information provided to marriage license applicants under subsection (c), each clerk of the circuit court shall inform each marriage license applicant that the applicant ~~may~~ **must** be tested ~~on a voluntary basis~~ for human immunodeficiency virus (HIV) infection **and other sexually transmitted dangerous communicable diseases described in IC 31-11-5-7(a)** by the applicant's private physician or at another testing site. The clerk shall provide the marriage applicants with a list of testing sites in the community.

(e) An applicant who objects to the written information or videotaped information on religious grounds is not required to receive the information.

(f) If materials required by this section are not prepared by other sources, the state department of health shall prepare the materials.

(g) The provider of the materials is responsible for all costs involved in the development, preparation, and distribution of the information required by this section. Except for the materials developed by the state, the state and county are not liable for the costs of materials used to implement this section and section 4 of this chapter.

SECTION 2. IC 31-11-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) A clerk of a circuit court may not accept an application for a marriage license unless the application for the license is accompanied by a written report **described in subsections (b) and (c)** that is prepared and signed by a physician with an unlimited license to practice medicine.

(b) The **written** report must contain the following **information concerning the rubella test required by section 1 of this chapter**:

(1) The name of the individual who was examined.

(2) A statement that the individual was examined by the physician.

(3) The date that the individual was examined.

(4) If the individual who was examined is a female who is less



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than fifty (50) years of age, a statement of whether the individual has an immunological response to rubella.

(5) A statement of whether the individual objected on religious grounds to taking a test to determine immunological response to rubella.

(c) **The written report must also contain the following information concerning the testing of each marriage license applicant for sexually transmitted dangerous communicable diseases required by section 7 of this chapter:**

(1) **The name of the individual who was examined.**

(2) **The date the individual was examined.**

(3) **The name of each person who:**

(A) **conducted:**

(i) **the blood test; and**

(ii) **the laboratory analysis; and**

(B) **interpreted the blood test results.**

SECTION 3. IC 31-11-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Each physician's report that is made under section 2 of this chapter must be accompanied by a statement from the person in charge of the laboratory that performed the test or from a person authorized by that person. The statement must include the following:

(1) The name of the test.

(2) The date the test was completed.

(3) The name and address of each person whose blood was tested.

The statement may not include the diagnostic results of the tests. The statement of the physician and the statement from the laboratory must be on the same form.

(b) The laboratory shall provide the physician a detailed report of the laboratory test **conducted under section 1 or 7 of this chapter** to determine the **presence of:**

(1) **an immunologic response to rubella; or**

(2) **a sexually transmitted dangerous communicable disease listed under section 7(a) of this chapter.**

SECTION 4. IC 31-11-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The state department of health may do the following:

(1) Adopt rules under IC 4-22-2 to carry out this chapter.

(2) In conjunction with the department of pathology of the Indiana University School of Medicine, establish standards and approve laboratories that perform tests described in ~~section~~ **sections 4 and 7** of this chapter and other tests of a public health nature.



SECTION 5. IC 31-11-5-7 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 1999]: **Sec. 7. (a) Each individual who applies for a marriage
license must have a blood test to screen for the following dangerous
communicable diseases that are sexually transmitted:**

- (1) Acquired immune deficiency syndrome (AIDS).**
- (2) Human immunodeficiency virus (HIV).**
- (3) AIDS related complex (ARC).**
- (4) Hepatitis B.**

**(b) Each individual must have blood drawn by the individual's
private physician or at another testing site.**

**(c) The person drawing the blood as described in subsection (b)
shall provide a specimen of the blood to a laboratory that meets the
standards established by the department of pathology of the
Indiana University School of Medicine.**

**(d) The laboratory shall send the site that provides the specimen
a confidential report detailing the results of the laboratory analysis
as provided by section 3 of this chapter.**

(e) A person who is:

- (1) employed at the site that obtains the specimen; and**
- (2) licensed to interpret results of a test described in
subsection (a);**

shall interpret the results for each tested individual.

(f) The person interpreting the blood test results shall:

- (1) prepare a report that contains the information required
under section 2(c) of this chapter; and**
- (2) provide the report to the tested individual.**

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